

BOARD OF SELECTMEN

August 7, 2012
Minutes

The Board of Selectmen met on Tuesday, August 7, 2012 at 7:00 p.m. in the Town Hall Clark Room. Those present were Selectmen Peter Scavongelli, John D. Williams, Timothy Hult and Douglas A. G. Stevenson. Town Administrator Timothy D. Goddard was also present. Selectman John Gorecki was not present.

Town Administrator Report

1) Mr. Goddard said Chief John Fisher was present tonight to make a recommendation to the Board regarding an open position for a Police Sergeant at the Police Department. Chief Fisher briefly explained the process that was followed to fill this position, which included a written exam. He said three police officers were interested in this position. Chief Fisher asked that the Board to promote Officer Stephen Mack to the rank of Sergeant, effective August 13, 2012. He said Steve Mack has done a tremendous job.

On a motion made by Mr. Williams and seconded by Mr. Stevenson it was unanimously **VOTED** to adopt the recommendation of Chief Fisher to promote Officer Steve Mack to the rank of Sergeant as discussed this evening.

2) Mr. Goddard the Board has received an application from Diane Rogers on behalf of Land for Good, which is a non-profit organization, for a One-Day License to serve Beer and Wine at a fundraising event. He said the event has been scheduled for August 10th at the Clark Farm with approximately people expected to be in attendance. Chief Fisher said he did not see any issue with this request as there is plenty of off street parking.

On a motion made by Mr. Williams and seconded by Mr. Stevenson, it was unanimously **VOTED** to approve the request of Diane Rodgers on behalf of Land for Good for a special One Day License to serve beer and wine at the event to be held at the Clark Farm, 185 Concord Street, on Friday, August 10, 2012 with the understanding that they shall contact the Police Department to determine the necessity of a police detail and shall provide an appropriate certificate of insurance for this event.

3) Mr. Goddard said in regard to the Town Study, which is being done by the Collins Center, the Steering Committee has met with the Consultants one time and they (consultants) have met with the Department Heads twice. He said a draft of recommendations should be available in a few weeks.

4) Mr. Goddard said it has been necessary to reschedule the road layout hearing for Johnson and Hanover Roads to Tuesday, September 25th due to the unavailability of Wilkins Hill Realty on September 11th. A legal notice will be published shortly. On a motion made by Mr. Williams and seconded Mr. Stevenson, it was unanimously **VOTED** that the Board of Selectmen will schedule a public hearing for Tuesday, September 25, 2012, at 7:45 p.m. in the Clark Room at Carlisle Town Hall to determine whether or not to lay out Hanover Road and Johnson Road as public ways and that notice be provided to the applicant, the Planning Board and the general public.

5) Mr. Goddard gave the Board an update on the MIIA Insurance Rewards Program. He said Carlisle has received \$5,251 in premium credits due to our participation in MIIA's risk management/loss control programs. Mr. Goddard said these credits directly offset the cost of our FY13 blanket insurance premiums. He added that the Police and School Department are applying for FY 13 \$5,000 and \$10,000 loss control and risk management grants which we are eligible for due to our previous participation.

6) Mr. Goddard said the Carlisle Kids House has requested permission to hold their 3rd annual “Movie on the Commons” on Friday, September 21st from 7:00 p.m. to 9:00 p.m. He added that they have received consent from the FRS and have arranged for a detail with the Police Department too.

On a motion made by Mr. Stevenson and seconded by Mr. Williams, it was unanimously **VOTED** to grant permission to the Carlisle Kids’ House to hold a Movie Night on the Town Common on Friday, September 21st from 7:00 p.m. to 9:00 p.m. with the understanding that they will coordinate with the Town’s public safety officials to ensure a safe and enjoyable event for all.

Community Input

Alan Carpenito from South Street spoke to the Board about the *Highland Building*. He said he was on the first two Highland Building Committee’s. Alan said he was a little disappointed when he heard that the recommendations that the Committee made were not the kind that would generate revenue or income and that those two criteria were essential points. Alan said this was the first time he had heard of a proposal that had the requirement of having to be able to generate money. He felt that their proposal would have touched many individuals in the Town and had an affect on many people. Alan said this would have been a tremendous community resource. His point was he did not think that revenue should be the sole driver behind the committee’s mission.

Diane Geggis of Brook Street spoke to the Board about a problem with her *common driveway*. She explained that when they put their house up for sale in June, the Building Inspector called her realtor and said they do not have a legal lot. Ms. Geggis explained the history of the sales and past owners of this property. She said right now they have an offer on their house and they are ready to move but they can’t because of the issue with this common driveway. Mr. Goddard said he has asked Town Counsel to look at this issue and is waiting to hear back.

Doug Harris from the *Narragansett Indian Tribe* located in Wyoming, Rhode Island was present to talk about a boulder, which is apart of a ceremonial stone landscape located on the Benfield Farms project area. He said that it is his understanding that this boulder will be moved so that work can be done on the sewer and septic systems. He said if the boulder is moved, it should be cautiously moved, and secondly, it should be returned to its original spot. Mr. Harris said he wanted to confirm for the record their concern for what will happen to that boulder. Mr. Harris said because this work is a federal undertaking, with federal funds, that the Federal Narragansett Indians would like to consult on this project. In response to Mr. Scavongelli, Mr. Harris said he knows where the boulder is located.

Finance Director/Accountant – FY 12 Year-end report

Larry Barton, the Town’s Finance Director was present to update the Board on how well the Town has performed regarding FY12. He presented a Schedule (attached hereto) that listed Budgets, Expenditure Surpluses and Deficits and Proposed Transfers.

Larry noted that for the year, the Town ultimately had a budget of \$23,876,966.36. He said the net unexpended appropriations amounted to \$557,405.37. Larry said there was a high number for unexpended appropriations in the General expenses for Town Counsel which attributed to this amount (\$50,913.36). Larry said because of a lack of snow and ice this year the DPW returned a total of \$39,703.41.

Larry said Blanket Insurance and Workers Comp. were under expended by under \$26,000.00.

Larry said the total of the unexpended appropriations (\$557,405.37) represents approximately 2.3% of the overall budget of the year.

Larry said in his opinion, the operations of the Town have weathered a few very difficult years and have come-out in very good condition. He said we have been able to build reserves during difficult times. The departmental management has taken this very seriously without seeing any deterioration in service.

Mr. Hult said we should continue to keep the reserve levels high.

Mr. Stevenson said the Board appreciates the efforts of the Town Departments to stay within their budgets.

Joint Meeting – Board of Selectmen /Planning Board

Board of Selectmen

August 7, 2012

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Approved: 9/11/12

Associate member Appointment (Zoning bylaw 7.2)

The Board of Selectmen and Planning Board met jointly at 7:45 p.m. to appoint an associate member to the Planning Board. Those present from the Planning Board were David Freedman, Michael Epstein, Nathan Brown, Marc Lamere and Jeffrey Johnson. David Freedman called the Planning Board meeting to order. David said Karen Andon Danis has expressed her interest in the position of associate member on the Planning Board. She has attended a Planning Board meeting and maintains her interest in joining the Board. A motion was made by Mr. Williams to appoint Karen Andon Davis as an Associate Member of the Planning Board consistent with the provisions of Section 7.2 Zoning bylaws for a term to expire on June 30, 2015; provided, however that Ms Andon Davis shall register to vote in the Town prior to being sworn into this position by the Town Clerk. The motion was seconded by David Freedman and a unanimous vote was taken by both Boards. At 7:50 the Planning Board adjourned their meeting.

Public Hearing re: Plowing of Private Ways

Mr. Scavongelli explained that this is a Public Hearing regarding plowing of private ways. He thanked those residents who came tonight to provide input on this matter. Mr. Scavongelli said the purpose of this meeting is not for the Board to take an immediate action, but to gather data and information in order to make a final determination regarding a town plowing policy at a subsequent meeting. Mr. Scavongelli said he wanted to ultimately get some sense of direction from the Board. He provided the following three scenarios he thought the Board would find helpful. First he said, should the Board of Selectmen maintain the 1994 plowing policy including the grandfathering of the four ways the Town has been plowing for the past 20 years or more; secondly, should the Board of Selectmen rescind the 1994 policy and adopt a policy that plows only public ways; or finally, should the Board of Selectmen adopt a new policy that would somehow define a new, but limited set of private ways that the Town will plow if they meet certain criteria to be determined.

Mr. Scavongelli said during a meeting in November, 2011 the Board considered the issue of plowing private ways and voted to discontinue plowing two private ways, that is, Berry Corner Lane and Red Pine Drive, believing those were the only two private ways being plowed. He said at the Board's December 13th meeting, some residents from Berry Corner Lane and Red Pine Drive were in attendance. At this meeting the Board learned that the private ways of East Meadow Lane and Cutter's Ridge were also being plowed by the Town. Mr. Scavongelli said in January, 2012 the Board re-considered the issue when it was determined that there was an existing 1994 Selectman's policy that included a clause grand-fathering private ways to be plowed by the Town. Those private ways were: Red Pine Drive, Berry Corner Lane, Cutter's Ridge, and East Meadow Lane. The Board therefore voted to maintain plowing through the spring.

Mr. Scavongelli said the Planning Board has since prepared an inventory of ways in the Town and a report on all types of roads; private, public and common driveways. In addition to the inventory, a comprehensive document was prepared which included a history of plowing private ways, the current policy on plowing private ways and recommendations to the Board of Selectmen. In July, the Board of Selectmen voted to schedule this Public Hearing.

Planning Board Chairman David Freedman gave a summary of the report he presented to the Selectmen in June. David said the report defined the differences between public and private ways and common driveways. He said he would not go through that part of the report however the chief conclusions were if the road was a public way the Town owns it and must maintain it; if it is a private way the Town has no responsibility to maintain it and according to the Planning Board, should not do so under any circumstances.

David said there are presently 112 private ways in the Town and 97 public ways. David said the Planning Board performed research to find out why Red Pine Drive, Berry Corner Lane, Cutter's Ridge, and East Meadow Lane, all private ways have been plowed for the last 20 years. He said Berry Corner Lane, Red Pine Drive and East Meadow Lane were really the only private ways in Town in the late 1960's.

In regard to Cutter's Ridge, David said it is potentially ready for road acceptance. In 1990 there was a problem with the Conservation Commission and then it never moved forward after that. It has been plowed since 1988 because it is completely built out. David said the resident's on Cutter's Ridge may be able to sort out the outstanding issues and petition the Selectmen to become an accepted road.

Community Input

Erik Westland residing on East Meadow Lane asked a question about why some roads were not made public ways in 1970 when it seemed a large amount of roads became public ways at one time. David said in 1970 there were many public ways and the Town voted to discontinue some ways.

Claudia Talland of Cutters Ridge Road asked a question about whether she lived on a legal lot.

Laurie Aragon from Red Pine Drive said when she purchased her house she was told the Town would plow it. She wanted to know if they paid the Town to continue plowing and signed off on the liability would that be a possibility. Mr. Scavongelli said the Board is trying to set a fair and equitable plowing policy.

Gordon Means residing on East Meadow Lane wanted to know what percent these four roads were in regard to the plowing of public ways. Mr. Scavongelli said there are 97 public ways and 112 private ways. He said it wasn't about the percentage, it was about fairness. In regard to the liability issues, Mr. Scavongelli said they exist whether you are plowing, sanding or repairing.

Carolyn Kiely residing on Hartwell Road spoke about the special situation this road has. In 1994 there was a maintenance agreement between the Town of Carlisle and the residents of Hartwell Road. She said this agreement has been recorded with the Registry of Deeds and that is how the private portion of Hartwell Road is maintained. Mr. Stevenson clarified that the public portion of Hartwell Road is maintained by the Town and receives services. The private portion is paid for by the residents on that portion.

Kent Smack residing on Red Pine Drive said that through a little research he learned that Red Pine Drive was on the Warrant of the 1969 Town Meeting to become a public way however, it seems very few notes were taken at that meeting. He said the point he wished to make was it seems that no one knows why a public vote was not taken to make Red Pine Drive a public way. The second point he wanted to make was since Red Pine Drive is not a Town road, and when he purchased his house he did not purchase a road, who owns Red Pine Drive. In response to Mr. Scavongelli, Mr. Smack said he has reviewed his deed and it says he has a right-of-way on the road. Mr. Stevenson suggested Mr. Smack go to the Assessor's office in Town Hall to look into this matter. Mr. Smack asked if the Board would consider plowing all of the private ways. Mr. Stevenson said there is a process that has to be followed before that decision can be made.

Brian Barnett residing on Cutters Ridge Road said while he has lived on this private road he has had school bus service and mail delivery. He said it has always felt like a public way to him and it seems there has always been an intention to make it a public way.

Deb Belanger was present from Palmer Way which is a private way. She spoke about the equity issue. Deb said her neighborhood has a homeowner's agreement, but they work issues out amicably.

Mr. Scavongelli thanked all the residents who attended the Public Hearing.

Memorandum of Agreement with the First Religious Society

Mr. Scavongelli said at our previous meeting the Board agreed to prepare a Memorandum of Agreement with the FRS in order to release the CPA funds and start the work on the steeple. He said he was pleased to report that the amendments to the draft agreement were made and it has been agreed to and fully executed. The next step for the FRS is to engage the contractors and begin the repair work on the steeple.

Mr. Stevenson expressed concern over the amount of money that has been expended on Town Counsel for this matter so far. Mr. Goddard said it has been a few thousand dollars. Mr. Stevenson wanted to know if this cost could come out of administrative expenses from the CPA. Mr. Goddard will look into this matter.

Highland Committee Mission Statement

Mr. Scavongelli said he would like to prepare a Mission Statement that will provide the committee with some guidance. The draft mission statement he prepared addressed many of the factors that were addressed earlier: financial considerations, location considerations, and willingness to manage the facility and whether it will provide a service to the Town.

Mr. Williams said he didn't think the Board gave enough guidance the last time and he doesn't want another recommendation to come before the Board that clearly does not make any sense. He said therefore we should have one recommendation that actually stands on its own financially.

Mr. Stevenson said the outline presented tonight was fine; however in the deliverable section we should list two or three perimeters. Mr. Hult thought the Town should have some voice in this decision. Mr. Stevenson said we could list our expectations. Mr. Williams said he would like to add is that 'one option where the renovation costs and ongoing maintenance costs are matched by the users'.

Mr. Scavongelli said Priscilla Stevens had a few ideas about the Highland Building that were never brought forth.

In response to Alan Carpenito's question as to whether CPA funds could be used on any part of the Highland Building with or without paying it back, Mr. Stevenson said the Board would like more than one option and for one of those options to be at least cost neutral.

Nathan Brown from Russell Street said when he was on the previous Highland Building Committee they were instructed to find a future use, which he felt was too broad. He said this time he thought the scope of direction was more specific.

Mr. Scavongelli said the Board would finalize the Mission Statement at the next meeting.

Continued Review of FY 12 BOS Goals

Mr. Scavongelli said tonight the Board will focus on the new goals they will add to the existing document. Mr. Williams spoke about Goal VI/ Housing in Carlisle. He wanted to change/amend the existing Affordable Housing Goal to the following: 1) Continue the public outreach undertaken by the Affordable Housing Trust, The Board of Selectmen and the Housing Authority proposing a proactive, multi project solution to build/support building housing units sufficient to meet Carlisle's 40B requirements while adding as few total housing units to the housing stock as possible; 2) Continue the work of building the Benfield Farms development in the timeframe required to obtain all awarded State funding; 3) Review the Planning Board's work with regard to housing options under the present zoning as well as possibilities of revised zoning given demographic change, affordability of existing homes and environmental considerations; and 4) Involve the Board of Health in consideration of new zoning possibilities.

Mr. Scavongelli said under Goal III/Effective and Efficient Town Services, he would like to add forming an ad hoc committee to implement the Collins Study recommendations and mark progress. The second goal was to initiate quarterly meetings with the chairs of departments. Mr. Stevenson said perhaps the goal should be to evaluate the Collins Center report and initiate appropriate actions.

Mr. Scavongelli in regard to Goal V/Recreation and Community Activities, besides the two goals that are held over [work with RecCom and related Boards] and [work with the Highland Committee to identify the most viable uses] he would like to add work more closely with the Council on Aging in implementing their long range plans. The second one was work Recreation Commission regarding long range plans and programs.

Mr. Hult said at some point we will seriously have to consider a community center, particularly for the elderly. Mr. Scavongelli spoke about Goal VIII/Safety & Security. He suggested items under this goal; 1) Quarterly meetings with the Police Chief and Fire Chief regarding management challenges and opportunities; 2) Review emergency Management Plan with appropriate Departments. Mr. Stevenson suggested placing on the goals 'negotiating a successor collective bargaining agreement with the Police Union'. He added that the first goal was perhaps an item that would be a conversation that might be conducted with the Town Administrator. Mr. Hult said the Police and Fire Chief need the Boards support. Mr. Williams said another item that needs monitoring is the ALS, which Chief Flannery has been very good at updating the Board on.

Mr. Hult spoke about Goal II/Education. He said the two presently listed [regarding the Carlisle Public Schools Project and Minuteman Reg. High School] were fine, however he wanted to add 'support the CCHS Building Project'. In regard to Goal IV Stable & Responsive Public Utilities, Mr. Hult said the present two were fine [complete CCTV contract and be supportive and work with the energy committee] however he wanted to add that the Energy Task Force should engage the public in the home inspection program in order to reach higher energy efficiency. Mr. Hult then spoke about the response time from the utility companies during our ice/snow storms. He said on Conservation, we need to complete the Elliot Preserve Project and

closely monitor the water usage by the Town of Chelmsford at the Cranberry Bog and support the Conservation Commission.

Mr. Scavongelli suggested rewording V, 2, regarding the Highland Building. He said perhaps adding 'Organize a successor Highland Building Committee to present options to the 2013 Annual Town Meeting'.

Mr. Scavongelli said at our next meeting we will have a document of all the items we discussed at the last meeting and this meeting.

New Business

Mr. Hult said the Open Space and Recreation Plan Committee have asked the Board to provide input to the plan with specific reference to the goals and objectives. He asked the Board to review the two page document provided tonight and email their comments to him. Mr. Hult at either the first or second meeting in September the Board will prepare the final version of their addition to the document.

Liaison Reports

Mr. Hult explained the e-mail sent from Diane Sullivan/MSBA to Diana Rigby confirming that there will be a conference call between the CCRSD and the MSBA on Friday August 10th at 9:00 a.m. to discuss the status of the MSBA's review of the District's July 26th submittal addressing the outstanding issues previously identified by MSBA relative to the CCHS building project. He presented the report prepared for MSBA which addressed every point in the letter from them. For example, each team member prepared documents related to their specific area. Mr. Hult said there was also a budget update provided by the contractor.

Mr. Hult felt confident that the Committee was getting back on track with MSBA.

Mr. Stevenson said the Carlisle School Building Committee is trying to get as much work done before school starts.

Mr. Scavongelli spoke about the Financial Management Team. He said the Towns Auditors, Sullivan and Rogers have begun their field work in Town Hall. He said we should expect to see the Audit Report by October. Mr. Scavongelli said the Assessor has been working on building permits and should have a finalized new growth figure soon.

Executive Session

At 10:10 p.m. a motion was made by Mr. Williams to go into Executive Session pursuant to MGL Ch. 30A, §21(a) paragraph (3) and (6) to discuss strategy with respect to litigation and the value of real property as an open session may have a detrimental effect on the Town's litigating and negotiating positions, and the Board shall not return to open session. The motion was seconded by Mr. Stevenson and the following roll call vote was taken: Scavongelli – aye; Williams – aye; Hult – aye; and Stevenson – aye.

Respectfully submitted by Margaret Arena